

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Tomeko Nasha Henderson
aka Tomeko Nasha Hudson, aka Tomeko Nasha Zarotney
Debtor(s)

Bankruptcy Case No.: 17-21393-JAD
Issued Per 9/24/2020 Proceeding
Chapter: 13
Docket No.: 163 – 103, 104, 123, 151, 157
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 12, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$500 as of October-2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☒ B. The length of the Plan is increased to a total of 84 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 1 of Santander Consumer USA, Inc. governs as to amount per Plan terms, payment to be determined by Trustee. Peoples Gas paid priority admin. claim per Default O/E 6/12/19 at Doc. # 86. .
- ☒ H. Additional Terms: No further payments to LSF10 Master Participation Trust c/o Caliber Home due to Relief from Stay/Default Order entered 3/31/2020 at Doc. No. 119. No further payments to County of Allegheny (Claim No. 7) due to surrender, but prior payments ratified.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) IT IS FURTHER ORDERED THAT:

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 28, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Tomeko Nasha Henderson
Debtor(s)

Case No. 17-21393-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 28, 2020

User: msch
Form ID: 149

Page 1 of 3
Total Noticed: 36

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 30, 2020:

Recip ID	Recipient Name and Address
db	+ Tomeko Nasha Henderson, 350 Wilson Drive, Pittsburgh, PA 15235-1738
tr	+ Ronda J. Winnecour, Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219-2702
cr	+ County of Allegheny, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
cr	+ DITECH FINANCIAL LLC, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883
cr	+ LSF10 Master Participation Trust, RAS CRANE, LLC, 10700 ABBOTT'S BRIDGE ROAD, SUITE 170, Duluth, GA 30097-8461
cr	+ LSF10 Master Participation Trust, Robertson, Anschutz, Schneid & Crane LLC, 10700 Abbotts Bridge Rd, Duluth, GA 30097-8458
cr	+ Santander Consumer USA Inc., P.O. Box 961245, Fort Worth, TX 76161-0244
14397646	+ AAS Debt Recovery, Inc., PO Box 129, Monroeville, Pennsylvania 15146-0129
14397649	+ Coll Svc Center, PO Box 560, New Kensington, Pennsylvania 15068-0560
14644105	+ County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14397651	+ Ditech Financial LLC, 3000 Bayport Drive, Suite 880, Tampa, Florida 33607-8409
14520218	Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154, Rapid City, South Dakota 57709-6154
14777857	Educational Credit Management Corporation, PO Box 16408, St. Paul, MN 55116-0408
15280430	+ First Commonwealth Bank, c/o Karen L. Hughes, Esquire, AAS Debt Recovery Inc., 2526 Monroeville Blvd., Suite 205, Monroeville, PA 15146-2371
14397652	+ Jordan Tax Service, Inc., PO Box 200, Bethel Park, Pennsylvania 15102-0200
14927648	+ LSF10 Master Participation Trust c/o Caliber Home, 13801 Wireless Way, Oklahoma City, OK 73134-2500
14519834	+ Navient Solutions, LLC. on behalf of, PHEAA, PO BOX 8147, Harrisburg, PA 17105-8147
14658279	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
14397656	+ Santander Consumer USA, PO Box 961245, Fort Worth, Texas 76161-0244
14415469	+ Santander Consumer USA, Inc., P.O. Box 560284, Dallas, TX 75356-0284
14667900	UPMC East, PO Box 1123, Minneapolis, MN 55440-1123

TOTAL: 21

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Sep 29 2020 03:06:59	Capital One Auto Finance, a division of Capital On, c/o Ascension Capital Group, 4515 N. Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
14397647	+ Email/PDF: AIS.COAF.EBN@Americaninfosource.com	Sep 29 2020 03:07:01	Capital One Auto Finance, CB Disputes Team PO Box 259407, Plano, Texas 75025-9407
14421988	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Sep 29 2020 03:08:03	Capital One Auto Finance, c/o Ascension Capital Gr, P.O. Box 201347, Arlington, TX 76006-1347
14397648	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 29 2020 03:08:02	Capital One Bank, PO Box 30281, Salt Lake City, Utah 84130-0281
14397650	+ Email/Text: bankruptcy_notifications@ccsusa.com	Sep 29 2020 02:51:00	Credit Collection Service, PO Box 607, Norwood, Massachusetts 02062-0607
14676344	+ Email/Text: kbarkley@bernsteinlaw.com	Sep 29 2020 02:51:00	Duquesne Light Company, c/o Allison L. Carr., Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower., Pittsburgh, PA 15219-1945
14664215	Email/PDF: resurgentbknofications@resurgent.com		

District/off: 0315-2

User: msch

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Date Rcvd: Sep 28, 2020

Form ID: 149

Total Noticed: 36

		Sep 29 2020 03:07:01	LVNV Funding, LLC its successors and assigns as, assignee of Citibank (South Dakota), N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
14397653	+ Email/Text: bankruptcydpt@mcmcg.com	Sep 29 2020 02:51:00	Midland Funding LLC, 2365 Northside Drive Suite 300, San Diego, California 92108-2709
14397654	+ Email/PDF: pa_dc_claims@navient.com	Sep 29 2020 03:08:04	Navient, 123 Justison Street 3rd Floor, Wilmington, Delaware 19801-5363
14397655	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 29 2020 03:06:59	Portfolio Recovery, 120 Corporate Blvd, Norfolk, Virginia 23502
14671174	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 29 2020 03:05:54	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14398614	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Sep 29 2020 03:06:59	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15268830	+ Email/Text: JCAP_BNC_Notices@jcap.com	Sep 29 2020 02:51:00	Premier Bankcard, Llc, Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
14641065	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Sep 29 2020 03:07:01	Verizon, by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
14397657	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Sep 29 2020 02:50:00	Verizon, 500 Technology Drive Suite 300, Weldon Spring, Missouri 63304-2225

TOTAL: 15

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Ditech Financial LLC
cr		Duquesne Light Company
cr	*	Educational Credit Management Corporation, PO Box 16408, St. Paul, MN 55116-0408
cr	*+	LSF10 Master Participation Trust c/o Caliber Home, 13801 Wireless Way, Oklahoma City, OK 73134-2500
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr	*+	Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828

TOTAL: 2 Undeliverable, 4 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 30, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 28, 2020 at the address(es) listed below:

Name	Email Address
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District/off: 0315-2

User: msch

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Date Rcvd: Sep 28, 2020

Form ID: 149

Total Noticed: 36

Brian Nicholas

on behalf of Creditor Ditech Financial LLC bnicholas@kmlawgroup.com

Catherine T. Martin

on behalf of Debtor Tomeko Nasha Henderson martinc@nlsa.us

Jeffrey R. Hunt

on behalf of Creditor County of Allegheny jhunt@grblaw.com cnoroski@grblaw.com

Keri P. Ebeck

on behalf of Creditor LSF10 Master Participation Trust kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Peter J. Ashcroft

on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

Sindi Mncina

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on behalf of Creditor LSF10 Master Participation Trust smncina@rascrane.com

William E. Craig

on behalf of Creditor Santander Consumer USA Inc. ecmail@mortoncraig.com
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 11